

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

MidCountry Equipment Finance, a division
of MidCountry Bank, a federally chartered
savings bank organized and existing under
the laws of the United States of America,

Civil No. 17-1744 (DWF/BRT)

Plaintiff,

**ORDER HOLDING DEFENDANTS
IN CIVIL CONTEMPT**

v.

Auto Trans Group, Inc. and Violet
Mihaylova,

Defendants.

This matter is before the Court on Plaintiff's Motion for an Order for Civil Contempt. On May 25, 2017, Plaintiff filed a verified complaint seeking, among other things, recovery of three commercial trailers that Plaintiff had leased to Defendants. (Doc. No. 1.) On July 21, 2017, after the entry of default against Defendants, Plaintiff filed a motion for the return of the equipment, which was unopposed. (Doc. No. 12.) On August 4, 2017, the Court entered an order directing Defendants to return the trailers or to post a bond pursuant to Minnesota Statute §§ 565.23 and 565.25. (Doc. No. 18 ¶¶ 1, 6.) The Court also scheduled a hearing to show cause in the event that Defendants failed to return the equipment.

On August 31, 2017, the Court held the hearing to show cause. Plaintiff's counsel represents that Defendants had been served the Court's August 4, 2017 order and that counsel had subsequently written to Defendants demanding the return of the equipment.

Both the order and the letter went unanswered, and Defendants have retained possession of the equipment.

Accordingly, after carefully considering Plaintiff's motion and the record in this case, the Court finds that Plaintiff has met its initial burden of proving by clear and convincing evidence that Defendants have violated and continues to violate the Court's August 4, 2017 order. The Court therefore orders Violet Mihaylova and Auto Trans Group, Inc. and its officers, agents, servants, directors, employees, affiliated entities, and those persons in active concert or participation with any of them, to immediately comply with the Court's August 4, 2017 order. Additionally, the Court orders the Defendants to appear before the Court on Monday, September 11, 2017, at 9:00 a.m.

Based on Plaintiff's motion and the record in this case, including the arguments of counsel, and good cause appearing therefor, the Court hereby enters the following:

ORDER

1. Defendant Violet Mihaylova and Auto Trans Group, Inc. and its officers, agents, servants, directors, employees, affiliated entities, and those persons in active concert or participation with any of them are adjudged in constructive civil contempt of this Court's August 4, 2017 order.

2. Defendants are directed to immediately comply with the Court's August 4, 2017 order. Further, the Court orders Defendants to return the equipment identified in the August 4, 2017 order to:

ATTN: Alex Kimbro
3201 HWY 61/151
Dubuque, Iowa 52003

Defendants will endeavor to cooperate with Plaintiff's efforts to recover the equipment.

3. Defendants have until September 8, 2017, to cure this civil contempt order by returning Plaintiff's equipment. The Court orders Defendants to appear on September 11, 2017, at 9:00 a.m., Courtroom 7C, 7th Floor, Warren E. Burger Federal Building and United States Courthouse, 316 North Robert Street, St. Paul, Minnesota. If Defendants fail to return the equipment or fail to appear at the September 11, 2017 hearing, then the Court will issue an order for Defendants' arrest and any other remedy that the Court deems appropriate.

4. Plaintiff has also requested that the Court accelerate the schedule for dispositive motions. Accordingly, the Court will hear any dispositive motions from Plaintiff at the September 11, 2017 hearing. Plaintiff will file and serve its papers no later than September 7, 2017. The Court reserves the right to delay hearing the motion in the event that Defendants indicate that they intend to oppose the motion.

5. The Court directs the U.S. Marshals Service to personally serve Defendants at the following locations:

Auto Trans Group, Inc.
825 Seegers Road
Suite H
Des Plaines, IL 60016

Violet Mihaylova
301 N. Catalpa Street
Addison, IL 60101

Dated: August 31, 2017

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge